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ON THE LAW OF THE SEA

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Third Session

PROVISIONAL SUMMARY RECORD OF THE FIFTY-SECOND PLENARY MEETING

held at the Palais des Nations, Geneva,
on Monday, 17 March 1975, at 3.30 p.m.

President: Mr. AMERASINGHE Sri Lanka

Rapporteur-General: Mr. RATTRAY Jamaica

CONTENTS

Opening of the session

Minute of silence for prayer or meditation

Statement by the President

Message from the Secretary-General

Adoption of the agenda

Organization of work

N.B. Participants wishing to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit them in writing in quadruplicate, preferably on a copy of the record itself, to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within five working days of receiving the provisional record in their working language.

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OPENING OF THE SESSION

The PRESIDENT declared open the third session of the Third United Nations Conference on the Law of the Sea.

MINUTE OF SILENCE FOR PRAYER OR MEDITATION

On the proposal of the President, participants observed a minute of silence for prayer or meditation.

STATEMENT BY THE PRESIDENT

The PRESIDENT welcomed the delegation of Grenada, which was participating for the first time as a full member of the Conference, and the delegation of Papua New Guinea, the Cook Islands, the Netherlands Antilles, Niue, Surinam, the West Indies Associated States and the Trust Territory of the Pacific Islands which had been invited to attend the session as observers.

He also welcomed the Special Representative of the Secretary-General to the Third United Nations Conference on the Law of the Sea, Mr. Bernardo Zuleta, and paid tribute to the former Special Representative, Mr. Constantin Stavropoulos, for the outstanding service he had rendered to the Conference.

He appealed to all delegations to participate constructively, in a spirit of co-operation and goodwill, in negotiations and consultations and to make every effort to achieve satisfactory results by the reconciliation of conflicting views and positions, rather than by confrontation. In the limited time at its disposal, the Conference had a duty and obligation to produce the results which the international community expected of it.

In accordance with established practice, he wished to inform the Conference of the recommendations made by the General Committee at its seventh meeting.

The Committee had recommended that in rule 56 of the rules of procedure the word "Arabic" should be added at the beginning of the existing text. It had also recommended that the following rule 63A should be added to chapter X:

"Observers invited in accordance with paragraph 3 of General Assembly resolution 3334 (XXIX)

1. Representatives designated as observers pursuant to the invitations extended by the Secretary-General under paragraph 3 of General Assembly resolution 3334 (XXIX) may participate, without the right to vote, in the deliberations of the Conference, the Main Committees and, as appropriate, the subsidiary organs.

2. Written statements of such observers shall be distributed by the Secretariat to the delegation at the Conference."

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He took it that the conference agreed to the recommendations of the General Committee.

It was so decided.

Mr. AGUILAR (Venezuela) said that an understanding had been reached by the Latin American Group at the first session of the Conference that his election as Chairman of the Second Committee would apply only with regard to the session to be held at Caracas. He therefore wished to inform the conference of his withdrawal from that post, and nominated Ambassador Reynaldo Galindo-Pohl of El Salvador for election as Chairman of the Second Committee.

Mr. ZEGERS (Chile) stated that the Latin American Group endorsed the election of Mr. Galindo-Pohl as Chairman of the Second Committee. It had also been understood at the first session that there should be a consequent change in the membership of the Drafting Committee, in which Venezuela would replace El Salvador.

The PRESIDENT expressed the gratitude of the conference for the able and devoted work carried out by Mr. Aguilar as Chairman of the Second Committee. He assumed that the Conference wished to elect Mr. Galindo-Pohl as Chairman of the Second Committee, with Venezuela replacing El Salvador as a member of the Drafting Committee. He assumed that the Conference likewise agreed that, in accordance with earlier understandings, Ireland should replace Belgium as a Vice-President of the Conference.

It was so decided.

MESSAGE FROM THE SECRETARY-GENERAL

Mr. ZULETA (Special Representative of the Secretary-General to the Conference) read out a message from the Secretary-General to the Conference.

The Secretary-General stated that the Conference was approaching a crucial stage in the process which had started when the General Assembly in December 1970 established the Conference and entrusted it with one of the most difficult and complex tasks ever placed before a United Nations body. The challenge was immense, and the process of reaching enduring agreements would not be quickly concluded. There were those who believed that the problems were so great that they would prove incapable of international solution; even those who were less pessimistic entertained serious and understandable doubts. However, while much remained to be done, there were certain aspects of the progress of the Conference which were a source of encouragement and optimism.

In Caracas a unique global debate at which, for the first time in history, virtually all interested nations were represented, had been concluded. In the past the oceans had been regarded as the prerogative of a few mercantile powers, but it had recently come to be recognized that the seas and the oceans were the concern of all and that the vital matters of their efficient and equitable regulation could be resolved only by global strategies and understandings, within which international, bilateral and national policies had to be framed. That fact in itself was a remarkable advance.

Since the second session of the Conference there had been intense informal negotiations. At Caracas the foundations for those consultations had been laid in the form of agreements on the machinery for decision-making and through the emergence of certain dominant trends in the global debate. In other words, the Conference had gone some way towards creating a future law of the sea which would be acceptable to all.

The Conference should be viewed in the context of current endeavours by the United Nations to devise global responses to world problems. Progress had been made on questions of population, food and the creation of a new international economic order. The law of the sea, for all its specific and particular problems, was a vital part of that global strategy and could not be regarded in isolation.

At the beginning of the second session he had said that old quarrels on land must not be replaced by new quarrels at sea. The potentialities for such conflict were very considerable, and, given the inevitable development of marine technology, were bound to increase unless agreement was reached while there was still time to do so. The real significance of the Caracas session and the subsequent negotiations was that that fact was generally recognized and that there was evidence of a general desire to find practical solutions to very intricate problems.

In conclusion, the Secretary-General had expressed the hope that the deliberations would be guided by a genuine will to succeed and that they would mark a real and notable advance towards true and durable agreements in a difficult and crucially important area of international concern.

ADOPTION OF THE AGENDA (A/CONF.62/36)

The agenda was adopted.

ORGANIZATION OF WORK

The PRESIDENT announced that, in addition to the non-governmental organizations earlier invited to send observers to the Conference in pursuance of resolutions 3029 A (XXVII) and 3067 (XXVIII), Bahá'i International Community, the Commission of the Churches on International Affairs and the World Alliance of Young

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Men's Christian Associations had asked to be included in the list of non-governmental organizations approved by the Conference. If he heard no objection he would take it that the Conference approved their requests.

It was so decided.

The PRESIDENT pointed out that at the end of the second session the Conference had agreed that the stage of general debate and general statements had been concluded and that from the outset the current session should be devoted to negotiations on issues of substance. It was therefore desirable that the Main Committees should immediately initiate the process of negotiation, avoiding general debate and allowing ample time for consultations and negotiations. Each committee would, of course, decide on the best arrangements for the organization of its work. As many delegations were small, it would be advisable to establish a proper schedule in advance in each committee in order to enable delegations to deploy their personnel to the best advantage.

Moreover, it was essential to ensure sound co-ordination in the work and progress of the three committees in order to preserve the unity of the subject as a whole. To that end, he would maintain constant contact and consultations with the Chairman of the Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General.

He urged all groups to endeavour to consult one another as much as possible. In particular, all groups should arrange their meetings in such a way as not to disrupt or interfere with the work of the Main Committees; the importance of punctuality in that context was obvious.

By the end of the first two weeks the Conference would have to give careful consideration to the question of whether all efforts to reach general agreement had been exhausted and, if agreement was within sight, what further time should be allocated for that purpose.

In conclusion, he invited the Conference to approve the General Committee's recommendation that 28 March and 31 March should be observed as holidays in accordance with the prevailing practice in Geneva.

It was so decided.

The meeting rose at 4.15 p.m.